

SENATE BILL NO. 196

INTRODUCED BY J. TESTER, NELSON, R. HOLDEN, JERGESON, WADDILL

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE COUNTRY OF ORIGIN ~~LABELING~~ PLACARDING ACT; REQUIRING A COUNTRY OF ORIGIN ~~LABEL~~ PLACARD ON SPECIFIC COMMODITIES ~~BEING IMPORTED INTO~~ OFFERED FOR SALE IN MONTANA BY AN ENTITY OTHER THAN A FOOD SERVICE ESTABLISHMENT; ~~PROVIDING PENALTIES FOR IMPORTING INTO MONTANA~~ OFFERING FOR SALE SPECIFIC COMMODITIES ~~WITHOUT LABELS INDICATING THE COUNTRY OF ORIGIN AND FOR REMOVING LABELS~~; AND AUTHORIZING THE DEPARTMENT OF COMMERCE TO DEVELOP RULES TO IMPLEMENT THE COUNTRY OF ORIGIN ~~LABELING~~ PLACARDING ACT; AND A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through ~~5~~ 4] may be cited as the "Country of Origin ~~Labeling~~ PLACARDING Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through ~~5~~ 4], the following definitions apply:

(1) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(2) "FOOD SERVICE ESTABLISHMENT" HAS THE MEANING PROVIDED IN 50-31-103.

~~(2)~~(3) "Honey" has the meaning provided in 50-31-103.

~~(3)~~(4) "Label" has the meaning provided in 50-31-103.

~~(4)~~(5) "Labeling" has the meaning provided in 50-31-103.

~~(5)~~(6) "Package" has the meaning provided in 50-31-103.

~~(6)~~(7) "Person" includes individuals, partnerships, corporations, companies, societies, and associations.

~~(7)~~(8) "PLACARD" HAS THE MEANING PROVIDED IN 50-31-103.

NEW SECTION. Section 3. Labeling permitted -- when ~~labeling~~ PLACARDING required -- removal of

label prohibited. (1) All producers, growers, and shippers of ~~fresh fruit, fresh vegetables,~~ FRESH FRUIT, FRESH VEGETABLES, grains, honey, beef, pork, poultry, or lamb in this state are permitted to label each individual portion, piece, or package of ~~fresh fruit, fresh vegetables,~~ FRESH FRUIT, FRESH VEGETABLES, grains, honey, beef, pork, poultry, or lamb in a conspicuous place as legibly, indelibly, and permanently as the nature of the commodity will permit, in a manner that indicates to an ultimate purchaser that the product was produced in Montana.

(2) ~~Fresh fruit, fresh vegetables, grains~~ GRAINS ~~FRESH FRUIT, FRESH VEGETABLES,~~ honey, beef, pork, poultry, or lamb, ~~including any package that contains any blending of foreign and domestic product,~~ that is produced in any country other than the United States and offered for retail sale in Montana, BY AN ENTITY OTHER THAN A FOOD SERVICE ESTABLISHMENT, must be ~~labeled~~ DISPLAYED FOR SALE ~~individually in a conspicuous place as legibly, indelibly, and permanently as the nature of the commodity will permit,~~ WITH A PLACARD in a manner that indicates to an ultimate purchaser the country of origin. ~~Labeling must be done prior to delivery into Montana.~~

(3) If one of the products enumerated in subsection (2) is unlabeled and the retail vendor, OTHER THAN A FOOD SERVICE ESTABLISHMENT, is unable to determine its country of origin, the product must be ~~labeled~~ as DISPLAYED FOR SALE WITH A PLACARD STATING "country of origin unknown".

(4) All retail vendors engaged in the business of selling products labeled or identified as to origin are prohibited from willfully and knowingly removing the labels or identifying marks.

~~NEW SECTION. Section 4. Penalties. (1) A person importing~~ ENGAGED IN THE BUSINESS OF RETAIL VENDING OF ~~fresh fruit, fresh vegetables, grains, honey, beef, pork, poultry, or lamb into Montana from a foreign country or exporting fresh fruit, fresh vegetables, grains, honey, beef, pork, poultry, or lamb to Montana from a foreign country that is not~~ WHO OFFERS THOSE PRODUCTS FOR SALE WITHOUT ENSURING THAT THE PRODUCTS ARE clearly labeled as to the country of origin, AS PROVIDED IN [SECTION 3(2)], IS SUBJECT TO THE FOLLOWING PENALTIES:

~~(A) FOR A FIRST OFFENSE, A VENDOR SHALL BE FINED AN AMOUNT NOT TO EXCEED \$100.~~

~~(B) FOR A SECOND OFFENSE, A VENDOR SHALL BE FINED AN AMOUNT NOT TO EXCEED \$250.~~

~~(C) FOR A THIRD OFFENSE, A VENDOR SHALL BE FINED AN AMOUNT NOT TO EXCEED \$500.~~

~~(D) FOR A FOURTH AND SUBSEQUENT OFFENSE, A VENDOR is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed~~

1 ~~1 year, or both.~~

2 ~~—— (2) A person engaged in the business of retail vending of fresh fruit, fresh vegetables, grains,~~
3 ~~honey, beef, pork, poultry, or lamb who willfully and knowingly removes any labels or identifying marks~~
4 ~~from fresh fruit, fresh vegetables, grains, honey, beef, pork, poultry, or lamb that is labeled by country of~~
5 ~~origin is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500 or be~~
6 ~~imprisoned in the county jail for a term not to exceed 6 months, or both.~~

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8 NEW SECTION. Section 4. Department authorized to adopt rules. (1) The department may
9 develop, adopt, and administer rules for the efficient enforcement of [sections 1 through 5 4]. The rules
10 adopted by the department may include but are not limited to:

11 (a) statements that delineate the difference between imported and unimported raw agricultural
12 commodities for the purpose of [sections 1 through 5 4];

13 (b) the preferred labeling OR PLACARDING method for each commodity type identified in [sections
14 1 through 5 4]; and

15 (c) other rules the department considers necessary to enforce [sections 1 through 5 4].

16 (2) The rules adopted to implement [sections 1 through 5 4] may not unduly restrict a person from
17 conducting business.

18 (3) THE RULES MUST BE ADOPTED BY THE DEPARTMENT BY JANUARY 1, 2003, BUT MAY NOT BE IMPLEMENTED
19 PRIOR TO JULY 1, 2003.

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21 NEW SECTION. Section 5. Codification instruction. [Sections 1 through 5 4] are intended to be
22 codified as an integral part of Title 30, chapter 12, and the provisions of Title 30, chapter 12, apply to
23 [sections 1 through 5 4].

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25 NEW SECTION. SECTION 6. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
26 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
27 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
28 APPLICATIONS.

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30 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2003.

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